

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 20, 1999

Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Martz, Pisciotte, Rogers; present. Council Member Lambke absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Frances Rathbun, Brookside United Methodist Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --approved

The minutes of the regular meeting of , July 13,1999, were approved 6 to 0. (Lambke absent)

AWARDS AND PRESENTATIONS

FLAG PRESENTATION Flags were presented by The Sons of the American Revolution

PROCLAMATIONS Mayor Knight presented the Proclamations that were preciously approved.

(addendum)

SERVICE CITATIONS Mayor Knight presented Distinguished Service Citations to those present.

PUBLIC AGENDACOMMENTS BY DON PORTER.

Don Porter

Don Porter, McAdams Golf Club Tournament Director, said the group used McAdams park as a practice area until 1975. In 1997, the Club began using the site 15 25th and Grove and paid significant sums of money to keep the rounds cut.

The golf pro has said the 25th and Grove site (Heartsprings property) is not long enough for a driving range; however, the youth are not able to drive the ball over 200 yards.

The Club is seeking space within the Northeast area to continue the Tiger Woods and David DeVaul youth.

Mayor Knight

Mayor Knight stated that it seems the City of Wichita could accommodate the needs and support channelization of youth energy.

Council Member Pisciotte

Council Member Pisciotte said he and Council Member Martz would work with Mr. Porter and the Park Board and work out some kind of arrangement.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 2

UNFINISHED BUSINESS

CONDEMNATIONS

REPAIR AND REMOVAL OF DANGEROUS & UNSAFE STRUCTURE, 1906 NORTH JACKSON. (District VI)

Council Member Cole

Council Member Cole reviewed the Item.

Agenda Report No. 99-699.

On June 8, 1999, the City Council adopted a Resolution to allow seven days for the premise to be cleared of debris and 30 days to complete the exterior repairs.

Council Member Cole said the taxes are still delinquent.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Cole moved that the City proceed with demolition. Motion carried 6 to 0. (Lambke absent)

V-2185

V-2185 - NORTH OF 13TH STREET NORTH AND WEST OF ROCK ROAD. (District II)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-700.

Staff Recommendation: Deny the vacation of 16-foot platted walk easement

MAPC Recommendation: Approve vacation of 16-foot platted walk easement. (7-6)

CPO Recommendation: Deny the vacation of 16-foot platted walk easement. (7-0)

The applicants are requesting to vacate the 16-foot platted walk easement which runs between their two homes. The applicants have stated that there have been problems with individuals walking along this easement and vandalizing their property. This sidewalk is used by children and others to go to and come from Coleman Middle School and a public park. If this walk is vacated, individuals attempting to reach the middle school would have to walk along 13th Street North, a four-lane arterial with current traffic counts of 22,088 between Woodlawn and Gouverneur, or cross Gouverneur at 14th Street, an uncontrolled crossing.

Staff did request a report from the Wichita Police Department about any problems that have been reported in this area for the past two years. The only report which was filed was a disorderly conduct at 1400 North Gouverneur (Park property), which is east of this easement.

A request by the adjoining property owners to vacate the sidewalk easement was reviewed extensively by CPO 2 and the MAPC, and was ultimately denied by the Wichita City Council in 1997.

At the July 12th CPO 2 hearing the two lot owners indicated continuing nuisances and, joined by one other neighbor, urged that the vacation be approved. Several neighbors spoke in opposition to vacating this walk easement. These individuals voiced concerns about safety for school children having to walk along 13th Street or 14th Street instead of the sidewalk easement. CPO members referred to the Rockhurst covenants which require that this sidewalk remain open, the comparison to gating of communities to keep unwanted individuals out, and suggested that the closing of the sidewalk would be contrary to the recently received title of All American City. The CPO council voted unanimously to deny this request.

At the July 15th MAPC hearing, a spokesperson for the lot owners described continuing problems (trash in the applicants' yards, using vulgarities to and at their children, writing vulgarities on the sidewalk, urinating on the fences, motorcycles). Four persons spoke in opposition to this request and voiced similar concerns as those expressed at the CPO hearing. After reviewing all of the testimony, the MAPC failed (6-7) to approve a motion to deny the request. The MAPC then voted (7-6) to approve the vacation request, subject to retaining it as a utility easement. The MAPC then voted on a motion to the Wichita City Council to look at constructing a sidewalk along 14th Street and a crosswalk across Gouverneur to allow children to have a "replacement" sidewalk in addition to 13th Street. This motion passed 11-2. The two dissenting voices believed that if a sidewalk is needed, the existing sidewalk should not be vacated just to construct a new sidewalk, a few hundred feet to the north.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 3

Jimmie Davis	Jimmie Davis, 6903 Timberon, said the sidewalk allows students to travel to school without having to go onto the street. There are covenants allowing access to the sidewalk and a vacation could result in legal action. Closing the sidewalk will not solve any problems.
Lynn Wassinger	Lynn Wassinger said the children who use the sidewalk to access the playground should be thought about.
Mark Losew	Mark Losew, 14th Street, said the reason for vandalism from children passing through the area is mostly because of Coleman students who live west of Coleman. The answer is not to close Timberon. There is no sidewalk on 14th and the street carries heavy traffic. The proposal to add sidewalk on 14th street would force additional costs on homeowners.
Mike Smith	Mike Smith, one house away from the sidewalk, said there have been no new facts of problems since 1997. All the previous information supported keeping the sidewalk open. The sidewalk needs to stay open as an overwhelming number of residents support leaving it open.
Marie Goscha	Marie Goscha, 7026 Timberon, said there have been lots of new occurrences of incidents. Ms. Goscha asked that the sidewalk be vacated.
Michael Bankston	Michael Bankston, 7017 Stonegate, said many problems and nuisances are not reported to police but they are still nuisances. Mr. Bankston asked for consideration of vacation of the easement.
Jen-Chi Cheng	Jen Chi Cheng, 7005 Stonegate, spoke of having two bicycles stolen from his garage, slurs said to his daughter while she was in the car, and a rock being thrown into the yard. The sanctity of the neighborhood should be protected.
Kevin Ganzer	Kevin Ganzer said exporting the problem from one side of the street to another would not answer the problem. The neighbors in the area should deal with and solve the problem. Mr. Ganzer spoke in opposition to closing the sidewalk.
Alan Burke	Alan Burke, 6904 Stonegate, said all alternatives were discussed thoroughly when this matter was discussed a few years ago. There is nothing new and closing the sidewalk is not justified.
Thomas Funk	Thomas Funk, 6907 Timberon, said he also experiences problems of all kinds. The people next to the sidewalk need to find a way to live with the problems.
Ken Short	Ken Short, 6917 Stonegate, said he also had a bicycle stolen from his garage but it was when he lived in another part of the City. This is not a high crime area. The school even put on an extra bus for children who live in the Williamsburg area. Possibly, a wrought iron fence with a self-closing gate that was never locked might restore some peace while still maintaining access to the sidewalk. The fence would be better than closing the sidewalk.
Sally Smith	Sally Smith, 7013 Stonegate, said she walked the sidewalk as a child and had purchased the home because of the neighborhood. The problems are not unique to this area.
Chris Wallace	Chris Wallace, 6908 Stonegate, said he is adamantly opposed to closing the sidewalk.
Council Member Pisciotte	Council Member Pisciotte said a sidewalk on 14th was not his intention with this particular problem. There are sidewalks on 13th Street. North of this area there are three cul-de-sacs, none of which have an easement. A gate would be a temporary resolution.
Motion --	Pisciotte moved that vacation of the easement be approved.
Council Member Cole	Council Member Cole said closure of the sidewalk was previously not recommended. There have been no new formal complaints registered with the police department or school. Closing the sidewalk would be disruptive to the neighborhood. If the problems are not brought to the attention of the community police, there cannot be a solution.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 4

There are ways to deal with the issue and provide access to the park and school.

Subst. Motion -- died Rogers moved a substitute motion that this matter be returned to the MAPC. Substitute motion died for lack of second.

Council Member Martz Council Member Martz said most of the discussion has been convenience versus safety and safety always takes precedence over convenience. Council Member Martz said he could not live with himself if there were an accident and someone were hurt if the sidewalk were closed.

Mayor Knight Mayor Knight said solutions bring people together rather than dividing. This has to do with inclusiveness and the safety of children.

Mayor Knight said a majority can and often are wrong. It is important to look out for the minority. It is the City Council's responsibility to do what is right. Typically, the Mayor tries to support the district representative.

-- moot The motion was moot 3 to 3. Cole, Gale, Rogers - No.

Motion - Rogers moved that this Item be referred back to the MAPC for reconsideration.

Council Member Rogers Council Member Rogers explained that the MAPC vote of 7 to 6 was too close. More in-depth discussion might result in a greater vote one way or the other.

Also, some individuals were not apprised of how to participate.

Mayor Knight Mayor Knight said Council Member Lambke had indicated that he would oppose the sidewalk closure.

-- withdrawn Rogers, with consent of the second, withdrew the motion.

Council Member Pisciotte Council Member Pisciotte said he would meet with the neighborhood to see whether the issue can be resolved. The dialogue is to be between neighbors and to be done without others with other agendas.

Council Member Cole Council Member Cole said she hoped the community police would be involved. When problems occur they need to be reported so the issues can be dealt with.

TOWERS

COMMUNICATIONS TOWER MORATORIUM.

Joe Lang First Assistant City Attorney reviewed the Item.

Agenda Report No. 99-701.

With the adoption of the Telecommunications Act of 1996 and the emerging technologies of wireless communications for telephone (including cellular and personal communications service), pager, and other data transmission, there has been a significant increase in the applications for permits to allow the siting of telecommunications service facilities. These facilities include commercial communications towers that support antennas, as well as various types of antennas that are placed on other buildings and structures. Since 1996, for example, Staff has processed 31 cases involving towers over 60 feet, and antennas have been placed on top of 25 buildings and 2 stadium light poles.

The City adopted new regulations in the Unified Zoning Code (UZO) in 1997 for towers that establish conditions on appearance and require efforts at sharing of tower space (colocation). Additional antenna placements come before the City as accessory structures requiring plan review and building permits. In its review of applications for telecommunications service facilities, the City seeks to balance the competitive needs of telecommunications providers, the requests for improved service by users, and the concerns of citizens for safety, appearance, and property values of their neighborhoods. Staff has experienced difficulty in effectively processing requests for towers because of the amount of conflicting information provided or the reluctance of some carriers to provide information necessary to determine if the Code requirements are met. In addition, there may be new technologies available to address some of the safety and aesthetic concerns in this complex area through technical design or use of alternative structures.

As a result of the concerns and opportunities, on May 25, 1999, the City Council authorized Staff to retain professional assistance in developing a Tower Plan. This plan would address the various technical issues and assist

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 5

City Staff in responding to the various applications being received by showing appropriate locations where the needs could be best served in conformance with Code requirements and federal law. In the meantime, however, tower applications and building plans for antennas and other structures continue to come into the City, which raise the same questions and concerns for staff and Council. A period of time is needed to allow the Plan to be completed.

On July 13, 1999, the City Council approved a motion to establish a moratorium on the acceptance of applications for BZA variance, conditional uses, rezoning, and building permits for new commercial communications towers for six months. Council directed staff to return with the appropriate resolution to implement the moratorium.

As proposed, the Resolution establishes a complete moratorium on a wide variety of antennas and their supporting structures, including towers. A moratorium would be imposed on the acceptance of applications, processing of applications, or granting of applications or permits for the placement, construction, or modification of wireless communications facilities that involve commercial telecommunications towers as defined by the Unified Zoning Code or accessory uses that include antennas supported by a tower, building, or any other structure. This moratorium will be placed upon rezoning applications, Community Unit Plan (CUP) applications and amendments, conditional uses, Board of Zoning Appeals variances, and the issuance of building permits. (This moratorium would not prohibit a general rezoning request that includes a tower among the many uses allowed by right in that zoning district, however, provided that the expressed purpose for the rezoning is not a prohibited use and that no building permit will be issued for prohibited activity.)

This moratorium is proposed for a period of six (6) months, unless sooner removed or modified as a result of the progress of the Tower Study.

Exempted from this moratorium is the final processing or issuance of building permits for those facilities where the City Council has already approved the necessary zoning or conditional uses for a tower or facility consistent with current Zoning Code requirements and it is only awaiting final processing or building permit. Staff is also allowed to continue to work with applicants in reviewing sites and regulations.

City Staff is encouraged to move expeditiously with the hiring of professional assistance and the development of a Tower Plan. In the process of development of the plan, input should be sought from all interested sectors of the community including tower property owners, telecommunications service providers, and neighborhood groups.

Several alternatives in the scope of the moratorium are available, including:

- A. The moratorium could be limited to commercial telecommunications towers as defined in the UZC. This would allow the continued placement of antennas on buildings where they are an "accessory use" and do not require new zoning or conditional uses.
- B. The moratorium could be limited to new communications facilities and allow modification of existing facilities.

There may be a minor financial impact due to the delay in receipt of filing fees for the applications during the moratorium.

The Telecommunications Act of 1996 provides that local governments cannot unreasonably discriminate among wireless telecommunications providers, cannot impose outright bans on towers and other facilities, and must act upon applications within a reasonable time. The Courts interpreting this Act have recognized, however, a city may impose short term suspensions on the granting of permits while it gathers information for the adoption of regulations or providing for the orderly processing of applications. It is the opinion of the Law Department that the proposed moratorium is reasonable and consistent with Act. The Resolution has been approved as to form.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Steve Robbins

Steve Robbins, AT&T Wireless Services, said AT&T Wireless was hoping to launch services here and then to move on to Kansas City.

AT&T spent many months designing the kind of system zoning could support. The system was designed using roof tops, existing towers, and replacing existing towers.

The moratorium would create a hardship. AT&T Wireless has hired new people and moved people in from out-of-state.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 6

- Mayor Knight Mayor Knight said there is transition going on in the City concerning towers. The City of Wichita has had this on the agenda for some time.
- Council Member Cole Council Member Cole said the neighborhoods are concerned whether the towers are on existing or new towers. It is hoped the report will not take six months.
- Council Member Rogers momentarily absent.
- Greg Ferris Greg Ferris, representing Stealth Towers out of Florida, said there does need to be exceptions. A six-month moratorium would impact new carriers and would give preference to existing systems already entrenched.
- This is not a six-month issue and applications could not even be made during the moratorium.
- Mr. Ferris asked that the Item be deferred one week and the City Attorney look at changing the resolution to provide exemptions for towers with more than three users; The towers should meet aesthetic criteria and there should be some kind of aesthetic review. With the proper criteria, the City could have free public art while dealing with these aesthetic issues.
- George Weirlick George Weirlick encouraged development of a tower plan and said he had participated in the development of Oklahoma City's tower plan.
- Dave Hansen Dave Hansen, Regional Director for Market Development with Devine Towers International, said the moratorium would impact AT&T Wireless very much.
- Motion -- Pisciotte moved that the Resolution be adopted with the express direction that Legal Counsel consider some of the nuances and hardships the specific implementation would impose on some. Motion carried 6 to 0. (Lambke absent)
-- carried

RESOLUTION NO. R-99-290

A Resolution of the Governing Body of the City of Wichita declaring a moratorium on the processing of applications for certain wireless communications facilities including commercial communication towers and antennas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)
Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

(The Council took up the GO Bond and Note Sale. Action is shown in Agenda order.)

RESIDENCY REQ.

EMPLOYMENT RESIDENCY REQUIREMENTS.

Agenda Report No. 99-652-A.

Since the 1970s, the City has had a variety of residency policies, including a rigid requirement of in-town residency and several different policies based on driving time. In 1994, the City Council re-imposed strict residency requirements for newly hired employees to live within the City limits.

On July 13, 1999, the City Council approved modification of the residency requirements to require City employees to either live within the corporate limits of the City, or within 30 minutes lawful driving time of the corporate limits of the City.

When unemployment is low and a competitive labor market exists, residency requirements often provide a barrier to attracting/hiring skilled and technical talent. Under the most favorable circumstances, employees should live within the City they serve, however, it is simply not pragmatic in light of today's workforce issues.

Based on the City Council's action at its last meeting, the proposed Policy will implement the Council's directive, allowing employees to live within a 30-minute lawful driving distance. The Policy also allows Staff to develop guidelines necessary to implement and administer the Policy.

Kansas Statutes (13-2102) requires all employees of first class cities to live within the city limits. The statute permits the employment of non-residents as expert employees or law enforcement officers, when "deemed necessary" by the City Council. In 1970, the City passed Charter Ordinance No. 22, which exempted the City from K.S.A. 13-2102, and permitted the City to establish personnel policies regarding employment of non-residents.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 7

The proposed Resolution will modify Resolution No. R-94-129 and the City of Wichita's Personnel Policy relating to residency requirements for City employees.

Motion --

Knight moved that the Resolution modifying residency requirements to require City employees to either live within the corporate limits of the City, or within 30 minutes lawful driving time of the corporate limits of the City be adopted. Motion carried 6 to 0. (Lambke absent)

-- carried

RESOLUTION NO. R-99-289

A Resolution modifying Council Resolution No. R-94-129 and the City of Wichita's Personnel Policy relating to residency requirements for City employees, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

NEW BUSINESS

PAVE BRENTWOOD

PETITION TO PAVE BRENTWOOD, FROM CLARK TO MT. VERNON. (District III)

Motion -- carried

Knight moved that the Item be deferred two weeks. Motion carried 6 to 0. (Lambke absent)

DUI ORDINANCE

ORDINANCE AMENDMENT TO DRIVING UNDER THE INFLUENCE OF ALCOHOL CHARGES.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 99-703.

In 1993, the Kansas Legislature amended K.S.A. 8-1567 which specifies the penalties for Driving Under the Influence of Alcohol Charges. These amendments increased the penalty for third offenses to a felony.

In 1997, the Kansas Supreme Court in City of Junction City v. Cadeoret, interpreted these amendments. The court concluded that these amendments precluded Municipal Courts from prosecuting third DUI offenses. The court concluded that Municipal Courts did not have jurisdiction to prosecute third DUI offenders, since these offenses were classified as felonies by the legislature.

The proposed amendments delete the sentencing provisions of the City's ordinances which deal with third DUI offenses.

The amendments are necessary to bring the City's ordinances into compliance with the Kansas Supreme Court's interpretation of the applicable state statutes.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance amending Section 11.38.150 of the Code of the City of Wichita, Kansas, pertaining to driving under the influence of alcohol and/or drugs unlawful -- penalty and repealing the original of said Section, introduced and under the rules laid over.

BUDGET COMMENTS

PUBLIC COMMENT ON PROPOSED 2000-2001 ANNUAL OPERATING BUDGET.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

No action was taken.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 8

NOTE & BOND SALE

GENERAL OBLIGATION TEMPORARY NOTE SALE AND GENERAL OBLIGATION BOND SALE.

Kelly Carpenter

Assistant Director of Finance reviewed the Item.

Agenda Report No. 99-705.

The City is offering for sale one series of General Obligation Temporary Notes totaling \$26,015,000, two series of General Obligation Bonds totaling \$22,255,000, and two series of Tax Increment Financing General Obligation Bonds totaling \$7,600,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City.

The proceeds of the Series 199 Temporary Notes will be used to provide interim financing for various City-at-large and improvement district projects. The proceeds of the Series 756 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. The proceeds of the Series 757 Bonds will be used to permanently finance various City-at-large capital improvement projects. The proceeds from the sale of the Series 954 and Series 955 Bonds, herein referred to as the "TIF Bonds" will be used for public improvements located within the Gilbert/Mosley and Old Town Tax Increment Financing Districts, respectively.

Sealed bids will be accepted until 10:30 a.m. CST at the City Council Office, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at 11:30 a.m. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest net interest cost to the City.

The Series 199 Temporary Notes will mature February 24, 2000, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 756 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 757 Bonds will mature over ten years and will be paid from the citywide mill levy for debt service and the revenues accruing to various City enterprise funds. The Series 954 TIF Bonds will mature over ten years and are payable from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 955 TIF Bonds will mature serially over 15 years. Maturities are structured to fall within the net tax increment and guest tax revenue streams. The Series 955 Bonds are payable from the collection of guest taxes from the Old Town Hotel and from the collection of property taxes to the Sedgwick County Treasurer and paid to the City Treasurer. The Series 756 and 955 Bonds will be callable in 2006 with a 1% call premium and the Series 757 and 954 Bonds will be callable in 2004 with a 1% call premium.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Bond Ordinances which have been prepared by Bond Counsel.

General Obligation Notes, Series 199 - \$26,015,000
Banc of Amer Ser.

Rate of Interest Bid	3.4842
Total of Interest Cost to Maturity at Rates Specified	\$514,518.89
Less Premium	66,350.00
Net Interest Cost to the City of Wichita	448,168.89

General Obligation Bonds - SA, Series 756 - \$10,215,000
Prudential Securities, Inc.

Rate of Interest Bid	4.9494
Total of Interest Cost to Maturity at Rates Specified	\$4,543,393.75
Less Premium	- 0 -
Net Interest Cost to the City of Wichita	4,543,393.75

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 9

General Obligation Bonds - GO, Series 757 - \$12,040,000
Dain Rauscher

Rate of Interest Bid	4.62301
Total of Interest Cost to Maturity at Rates Specified	\$3,246,441.67
Less Premium	1,392.69
Net Interest Cost to the City of Wichita	\$3,245,048.98

General Obligation Bonds: Gilbert Mosley TIF, Series 954 - \$4,300,000
Salomon Smith Barney

Rate of Interest Bid	4.675491
Total of Interest Cost to Maturity at Rates Specified	\$1,252,720.00
Less Premium	- 0 -
Net Interest Cost to the City of Wichita	\$1,252,720.00

General Obligation Taxable Bonds: Keen Kutter Parking Garage, Series 955
Prudential Sec.

Rate of Interest Bid	5.0319
Total of Interest Cost to Maturity at Rates Specified	\$1,714,635.00
Less Premium	- 0 -
Net Interest Cost to the City of Wichita	\$1,714,635.00

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared

Motion --

Knight moved that the bids be opened and read; the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the Bond and Note Ordinances be adopted on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

-- carried

ORDINANCE NO. 44-289

An Ordinance authorizing and providing for the issuance of general obligation renewal and improvement temporary notes, Series 199, of the City of Wichita, Kansas, in the total principal amount of \$26,015,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. . Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-290

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 756, of the City of Wichita, Kansas, in the total principal amount of \$10,215,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. . Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-291

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 757, of the City of Wichita, Kansas, in the total principal amount of \$12,040,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 10

agreements with respect to the bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. . Motion carried 6 to 0. (Lambke absent)
Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-292

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 954, of the City of Wichita, Kansas, in the total principal amount of \$4,300,000, for the purpose of providing the necessary funds to pay costs in connection with the investigation and remediation of groundwater contamination located within the Gilbert and Mosley Site Redevelopment District in the City; prescribing the terms and details of the bonds; providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. . Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-293

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 955, of the City of Wichita, Kansas, in the total principal amount of \$3,300,000, for the purpose of providing the necessary funds to pay costs in connection with the construction of the Hotel at Old Town Parking Garage located within the Old Town Redevelopment District in the City; prescribing the terms and details of the bonds; providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. . Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

LETTER OF INTENT

Steve Lackey

LETTER OF INTENT - SUBMITTAL OF PROPOSED ENHANCEMENT PROGRAM.

Director of Public Works reviewed the Item.

Agenda Report No. 99-706.

The Comprehensive Transportation Program enacted by the 1999 Legislation includes a System Enhancement Program. The purpose of the program is to allow cities and counties to request projects that improve safety, relieve congestion, improve access, or enhancement development.

A Letter of Intent must be submitted to the Kansas Department of Transportation (KDOT) for any project to be considered for System Enhancement funding. The purpose of the Letter of Intent is for project sponsors to inform KDOT at an early date of interest in a project. These letters are due August 2, 1999. KDOT will use the requests to develop a list of eligible projects.

Letters of Intent have been prepared for the following:

- ? Kellogg/Woodlawn Interchange
- ? Rock Road Interchange
- ? Kellogg/Webb Road Interchange
- ? Kellogg/Greenwich Road Interchange
- ? Kellogg/Tyler Road and Maize Road Interchange
- ? I-235/25th Street North Interchange
- ? I-235/13th Street North Interchange
- ? Northwest Bypass (Corridor Preservation)
- ? 47th, Broadway to I-135 (Corridor Study)
- ? I-135/I-235/K-254 Interchange
- ? I-235/Kellogg Interchange
- ? I-235/Central Interchange

After submitting the Letter of Intent and being notified that the project request is eligible for the System Enhancement Program, an Official Project Request along with the Economic Development Questionnaire, System Enhancement Project Estimate/Local Match Funding form, and detailed cost estimate must be submitted for the project to be further considered. The Official Project Request forms are due December 8, 1999.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 11

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Letters of Intent be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

(addendum)

2000 (Y2K) UPDATE.

YEAR 2000 (Y2K) UPDATE.

Jeanne Hernandez

Internal Auditor reviewed the Item.

Utility Services

Y2K Ready

- Customer billing system: Water, Sewer, and SWU
- Sewage collection and treatment
- Remittance processor
- Meter reading devices and billing interface
- Kansas One call system (permitting/billing)

Y2K Third Quarter Remediation

- Water Treatment Plant control system
- Laboratory testing equipment

Facilities/Infrastructure

Y2K Ready

- System software/hardware at the Airport has been upgraded/replaced and tested.
- Airport runway temperature and deicing sensors
- Airport security systems
- Airport lighting controls
- Light bulb monitoring of burn-outs needs upgrade (not as critical)
- Airport facility environmental control systems (90 percent)
- Airport internal billing systems
- Wichita Transit - New SAM facility
 - contract requires facility to be Y2K ready - complete 9/99.
- Buses and fleet have been vendor certified
- Bridge: ice monitoring systems
- Landfill groundwater remediation systems
- Traffic control signalization system
- Building security systems
- Elevators
- Building control systems
- State Office Building needs upgrade. Backup is manual over-ride of environmental and lighting controls.

Public Safety

Y2K Ready

- Fire alarm systems
- Defibrillators
- KBI is verified ready by the State
- NCIC verified ready by State.
- Automated Fingerprint Identification System (AFIS)
- Intoxilyzers
- Polygraphs

Y2K Third Quarter Remediation

- Lab equipment: Chemical testing for prosecution of cases
 - Backup with duplicate older system and Forensic Science Center

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 12

- SGO Radio Shop
 - Telephone interconnect
 - SIMS controller - Caller I.D.
 - MOSCAD-PC based alarm and control system of remote sites
 - Software to program radios into talk groups

Data Center

Y2K Ready

- Hardware: User tested and accepted or vendor certified
- Financial accounting software
- OCI permitting software
- Water billing systems
- Telephones and PBX

Y2K Third Quarter Remediation

- Payroll
- Municipal Court/Police "SQL Forms" application (98 percent completion)

General Operations

Y2K Ready

- External financial vendors/money managers
- Point of sale systems
- Insurance providers vendor certified

Private Utilities

All indicate ability to provide service expected to be normal

- SWB
- Western Resources
- Kansas Gas Service
- Peoples Natural Gas

Contingency Planning

Community

- Through the Office of Emergency Management/SGCO
- Planned exercise complete June 1999
- Another exercise in September 1999 - different scenario

City of Wichita

- Draft departmental plans are in development
- Training on content completed in June
- Contingency plan drill in September 1999
- Corrections and changes
- Final plans November 1, 1999

Outreach Activities

- Web site
- Seminar for large industrial customers today
- Water bill inserts on proper Y2K preparedness
- City issues program on Channel 7
- Employee newsletter
- Speaking for numerous organizations
- Letter program to vendors
- Community conversations (3)
- City issues - revisited
- Hosted four summits with State of Kansas

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 13

Year 2000 Web Site

- <http://y2k.state.ks.us>
- Links to Federal, State, and Local Government

No further action was taken on this Item.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

Motion --
-- carried

Cole appointed Carl Bell (Library) and James Johnston (Park) and moved that the appointments be approved.
Motion carried 6 to 0. (Lambke absent)

PROCLAMATIONS

PROCLAMATIONS.

National Night Out

Motion -- carried

Knight moved that the issuance of the Proclamation be authorized. Motion carried 6 to 0. (Lambke absent)

CONSENT AGENDA

Knight moved that the Consent Agenda, including addendum, be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Lambke absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 19, 1999.

At 10:00 a.m., Friday, July 16, 1999, pursuant to advertisements published, bids were received, publicly opened, read aloud, and tabulated for the Boards of Bids and Contracts.

(Ref: Bid analysis report attached to the Board of Bids Minutes of July 19, 1999)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Botanical Roof Replacement (172502)

Larry Booze Roofing Inc. - \$15,510.00* (Lump sum total)
\$ 45.00* (Total option 1/each)

*2% Thirty (30) days

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Replacement and Building Repairs at Planeview and Linwood Park (130823)

Larry Booze Roofing Inc. - \$7,550.00* (Lump sum total)
\$3,030.00* (Option 1/lump sum total)
\$ 2.00* (Option 2/per square foot total)

*2% Thirty (30) days

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Meter Gaskets (183103)

GT Sales - \$4,665.00* (Plus applicable sales tax)
* 2% Ten (10) days

VARIOUS DEPARTMENTS/NA DIVISIONS: Polaroid Color Film (037200)

Color Craft Corp - \$15.68 (Item 1/per roll)
\$24.20 (Item 2/per pack)
\$15.94 (Item 3/per pack)
\$20.19 (Item 4/per pack)

PAGE 14

Motion --
-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 15

Motion --
-- carried

Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. July 30, 1999. Motion carried 6 to 0. (Lambke absent)

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Shadow Lakes from the east line of Tyler to the west line of Pepper Ridge; High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge; Highpoint Court from the west line of High Point of and including the cul-de-sac, serving Lots 26, 27 and 28, Block 1, and; sidewalks be constructed on the south side of Shadow Lakes from Tyler to the west line of Pepper Ridge, and constructed on the east and north sides of High Point/Shady Lane from the south line of Shadow Lakes to the west line of Pepper Ridge to serve Oak Ridge Second Addition - north of 29th Street North, east of Tyler. (472-82833/765581/490692) Does not affect existing traffic. City Council approval date: 7/15/97. (District V)

b. West half of Lark from the south line of Park Glen Addition to the south line of Grant, and concrete sidewalk on the west side of Lark Park Glen Addition (north of Pawnee, west of Lark) and; Lark from the north line of Pawnee to the north line of Lot 7, Block 5 Prairie Woods Second Addition - north of Pawnee, west of Maize. (472-82276 & 472-82936/764985 & 764977/490600 & 490599) Lark shall be closed during construction. City Council approval dates: 9/24/92 & 4/14/98. (District V)

Motion --
-- carried

Knight moved that the plans and specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m. July 30, 1999. Motion carried 6 to 0. (Lambke absent)

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a. 1999 sewer reconstruct program, Phase 5 - College Hill Pool. (468-83008/620263/669391) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District II) - \$32,380.62

b. Accel/decel lane on 21st Street and a water system to serve Lot 11, Block 2, Horseshoe Lake Addition - north of 21st, east of Ridge. (472-83102/765579/490690) Traffic to be maintained during construction. City Council approval date: 4/27/99. (District V) - \$77,112.00

c. Pave parts of Cooper, Stafford and Beech to serve Pebblebrook Addition - north of Pawnee, west of Webb. (472-82304/765582/490693) Does not affect existing traffic. City Council approval date: 6/15/99. (District II) - \$327,000.00

Motion -- carried

Knight moved that the preliminary estimates be approved and filed. Motion carried 6 to 0. (Lambke absent)

STATEMENTS OF COST STATEMENTS OF COST:

a. Improving Bristol in Balthrop Second Addition - north of Central, east of Greenwich Road. Total cost - \$62,592.00 (plus idle fund interest - \$1,246.98, plus temporary note financing - \$2,086.02). Financing issued at this time - \$65,925.00. (765081/472-82949/490-610).

b. Improving Santa Fe in Viola Addition - south of 21st Street North, west of Washington. Total cost - \$76,830.00 (plus idle fund interest - \$2,855.00, plus temporary note financing - \$1,575.00). Financing issued at this time - \$81,260.00. (764704/472-82891/490-472).

c. Improving Hoyt Circle; Fox Run Circle in Brentwood Village Addition - south of Harry, east of Webb Road. Total cost - \$88,000.00 (plus idle fund interest - \$3,065.50, plus temporary note financing - \$1,912.50). Financing issued at this time - \$92,978.00. (765305/472-82941/490-632).

d. Improving Highland Springs; Highland Springs Courts; and sidewalk in Highland Springs Addition - south of Central, west of 135th Street West. Total cost - \$388,434.00 (plus idle fund interest - \$18,269.74, plus temporary note financing - \$11,117.26). Financing issued at this time - \$417,821.00. (764795/472-82915/490-581).

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 16

- e. Improving Doris in Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Addition and R. A. Morris Tracts - south of 13th Street North, east of Hoover. Total cost - \$51,700.00 (plus idle fund interest - \$2,295.30, plus temporary note financing - \$1,841.70). Financing issued at this time - \$55,837.00. (764472/472-82897/490-550).
- f. Improving Memory Lane in Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Addition and R. A. Morris Tracts - south of 13th Street North, east of Hoover. Total cost - \$55,000.00 (plus idle fund interest - \$2,397.14, plus temporary note financing - \$2,008.86). Financing issued at this time - \$59,406.00. (764480/472-82808/490-551).
- g. Improving Lakeway Court; Lakeway Circle in Horseshoe Lake Second Addition - north of 21st Street North, west of Hoover. Total cost - \$227,213.00 (plus idle fund interest - \$8,503.56, plus temporary note financing - \$8,035.44). Financing issued at this time - \$243,752.00. (765057/472-89253/490-607).
- h. Improving Chateau in Smithmoor Third Addition - south of Harry, east of Webb Road. Total cost - \$73,014.00 (plus idle fund interest - \$1,114.50, plus temporary note financing - \$1,552.50). Financing issued at this time - \$75,681.00. (765547/472-82986/490-658).
- i. Improving Cardington; Ryan; Shefford; Cardington Courts; Central Park Court; and Central Park Circle in Aberdeen Second Addition - north of 21st Street North, east of 119th Street West. Total cost - \$365,419.00 (plus idle fund interest - \$7,230.64, plus temporary note financing - \$7,962.36). Financing issued at this time - \$380,612.00. (765313/472-82752/490-663).
- j. Improving Brown Thrush in Ashley Park Addition - south of Second Street, west of Brunswick. Total cost - \$180,847.00 (plus idle fund interest - \$7,699.50, plus temporary note financing - \$3,937.50). Financing issued at this time - \$192,484.00. (765099/472-81844/490-611).
- k. Improving 21st Street decel lane and fire hydrant in Golf Park West Addition - south of 21st Street North, west of Ridge Road. Total cost - \$64,864.00 (plus idle fund interest - \$945.00, plus temporary note financing - \$1,350.00). Financing issued at this time - \$67,159.00. (765552/472-83061/490-663).
- l. Improving Bayview; Sandkey Street; Sandkey Courts; Harborside Drive; Bayview Court in Moorings North Addition - west of Meridian, south of 53rd Street North. Total cost - \$840,761.00 (plus idle fund interest - \$32,564.60, plus temporary note financing - \$30,020.40). Financing issued at this time - \$903,346.00. (764654/472-82879/490-567).
- m. Improving Lateral 132, War Industries Sewer in Turtle Run Third Addition. - south of Pawnee, west of Webb Road. Total cost - \$73,305.00 (plus idle fund interest - \$3,811.72, plus temporary note financing - \$2,744.88). Financing issued at this time - \$79,861.00. (743443/468-82589/480-435).
- n. Improving Lateral 96, Sanitary Sewer No. 23 in Harbor Isle Second Addition - east of Meridian, south of 53rd Street North. Total cost - \$317,250.00 (plus idle fund interest - \$7,802.06, plus temporary note financing - \$6,389.94). Financing issued at this time - \$331,442.00. (743542/468-82847/480-445).
- o. Improving Lateral 370, Southwest Interceptor Sewer in Aberdeen Second Addition - north of 21st Street North, east of 119th Street West. Total cost - \$132,811.00 (plus idle fund interest - \$3,566.00, plus temporary note financing - \$2,835.00). Financing issued at this time - \$139,212.00. (743682/468-82625/480-459).
- p. Improving Lateral 70, Main 5, Sanitary Sewer No. 23 in Pembroke Second Addition - east of Oliver, south of 29th Street North. Total cost - \$41,574.00 (plus idle fund interest - \$907.50, plus temporary note financing - \$877.50). Financing issued at this time - \$43,359.00. (743724/468-82592/480-463).
- q. Improving Lateral 66, Main 5, Sanitary Sewer No. 23 in Pembroke Second Addition - east of Oliver, south of 29th Street North. Total cost - \$131,572.00 (plus idle fund interest - \$3,556.50, plus temporary note financing - \$2,812.50). Financing issued at this time - \$137,941.00. (743716/468-82370/480-462).
- r. Improving Lateral 412, Southwest Interceptor Sewer in Evergreen Addition - north of 21st Street North, west of Maize Road. Total cost - \$269,354.00 (plus idle fund interest - \$8,666.56, plus temporary note financing - \$8,935.44). Financing issued at this time - \$286,956.00. (743625/468-82900/480-453).

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 17

- s. Improving Lateral 135, Main 4, Sanitary Sewer No. 23 in Walnut Grove Addition - north of 35th Street North, west of Arkansas. Total cost - \$8,000.00 (plus idle fund interest - \$286.00, plus temporary note financing - \$180.00). Financing issued at this time - \$8,466.00. (743674/468-82891/480-458).
- t. Improving Lateral 397, Southwest Interceptor Sewer in Prairie Woods Second Addition. Total cost - \$79,766.00 (plus idle fund interest - \$1,367.00, plus temporary note financing - \$1,575.00). Financing issued at this time - \$82,708.00. (743785/468-82822/480-473).
- u. Improving Lateral 5, Main 18, Southwest Interceptor Sewer in Buckhead Third Addition - north of Central, west of 119th Street West. Total cost - \$99,978.00 (plus idle fund interest - \$2,374.50, plus temporary note financing - \$2,137.50). Financing issued at this time - \$104,490.00. (743583/468-82845/480-449).
- v. Improving Lateral 17, Cowskin Interceptor Sewer in Reece Farms Estates Addition - south of Maple, west of 151st Street West. Total cost - \$295,000.00 (plus idle fund interest - \$8,879.28, plus temporary note financing - \$10,500.72). Financing issued at this time - \$314,380.00. (743484/468-82830/480-439).
- w. Improving Lateral 58, Main 9, Sanitary Sewer No. 23 in Cornejo Addition - east of Woodlawn, north of 29th Street North. Total cost - \$19,686.00 (plus idle fund interest - \$423.50, plus temporary note financing - \$427.50). Financing issued at this time - \$20,537.00. (743740/468-82915/480-465).
- x. Improving Lateral 74, Main 17, Sanitary Sewer #22 to serve an unplatted tract - north of 33rd Street North, east of Porter. Total cost - \$7,560.00 (plus idle fund interest - \$306.00, plus temporary note financing - \$0). Financing issued at this time - \$7,866.00. (743757/468-82917/480-466).
- y. Improving Lateral 162, Sanitary Sewer No. 22 in Woodlake Addition - south of Second Street, west of St. Paul. Total cost - \$12,316.00 (plus idle fund interest - \$179.00, plus temporary note financing - \$270.00). (743786/468-82951/480-474).
- z. Improving Lateral 75, Main 22, War Industries Sewer in Wilsons Farms and Wilson Retirement Addition - south of 21st Street North, west of Webb Road. Total cost - \$38,715.00 (plus idle fund interest - \$875.50, plus temporary note financing - \$832.50). Financing issued at this time - \$40,423.00. (743732/468-82855 /480-464).
- aa. Improving Lateral 10, Main 17, Southwest Interceptor Sewer in Forest Lakes Addition - north of 29th Street North, west of Ridge Road. Total cost - \$41,443.00 (plus idle fund interest - \$1,690.00, plus temporary note financing - \$0). Financing issued at this time - \$43,133.00. (743790/468-82308/480-478).
- bb. Improving Lateral 391, Southwest Interceptor Sewer in Stonebriar Addition - west of Meridian, south of 47th Street South. Total cost - \$62,167.00 (plus idle fund interest - \$1,641.48, plus temporary note financing - \$1,658.52). Financing issued at this time - \$65,467.00. (743609/468-82800/480-451).
- cc. Improving Lateral 17, Main 24, War Industries Sewer in Tallgrass East Commercial Addition - north of 21st Street North, east of Webb Road. Total cost - \$35,974.00 (plus idle fund interest - \$777.50, plus temporary note financing - \$787.50). Financing issued at this time - \$37,539.00. (743781/468-81946/480-469).
- dd. Improving Lateral 51, Main 7, Sanitary Sewer No. 23 in Comotara Industrial Park Second Addition - south of 34th Street North, west of Webb Road. Total cost - \$27,500.00 (plus idle fund interest - \$1,158.48, plus temporary note financing - \$893.52). Financing issued at this time - \$29,552.00. (743591/468-82852 /480-450).
- ee. Improving Storm Water Sewer No. 521 in Buckhead Third Addition - north of Central, west of 119th Street West. Total cost - \$171,587.00 (plus idle fund interest - \$3,941.00, plus temporary note financing - \$3,375.00). Financing issued at this time - \$178,903.00. (751271/468-82948/485-162).
- ff. Improving water distribution system to serve 53rd Street North to 55th Street North, east of Seneca. Total cost - \$148,242.00 (plus idle fund interest - \$4,853.30, plus temporary note financing - \$7,964.70). Financing issued at this time - \$161,060.00. (734475/448-89254/470-525).
- gg. Improving water distribution system to serve Custer Addition - south of Pawnee, west of Meridian. Total cost - \$73,608.00 (plus idle fund interest - \$2,188.28, plus temporary note financing - \$3,792.72). Financing issued at this time - \$79,589.00. (734772/448-89301/470-555).

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 18

- hh. Improving water distribution system to serve Stonebriar Addition - west of Meridian, south of 47th Street South. Total cost - \$37,072.00 (plus idle fund interest - \$665.40, plus temporary note financing - \$1,629.60). Financing issued at this time - \$39,367.00. (734707/448-89231/470-548).
- ii. Improving water distribution system to serve Smithmoor Eighth Addition - south of Harry, east of Webb Road. Total cost - \$19,461.00 (plus idle fund interest - \$253.00, plus temporary note financing - \$450.00). Financing issued at this time - \$20,164.00. (734900/448-89302/470-570).
- jj. Improving water distribution system to serve Springdale East Second Addition - south of Kellogg, east of 143rd Street East. Total cost - \$42,943.00 (plus idle fund interest - \$562.00, plus temporary note financing - \$990.00). Financing issued at this time - \$44,495.00. (734903/448-89320/470-573).
- kk. Improving water distribution system to serve Arbor Lakes Estates Addition - south of Harry, west of 159th Street East. Total cost - \$40,204.00 (plus idle fund interest - \$559.00, plus temporary note financing - \$900.00). Financing issued at this time - \$41,663.00. (734905/448-89357/470-575).
- ll. Improving water distribution system to serve properties east of Arkansas Avenue between 37th Street North and 45th Street North. Total cost - \$251,511.00 (plus idle fund interest - \$7,553.08, plus temporary note financing - \$4,168.92). Financing issued at this time - \$263,233.00. (734467/448-89255/470-524).
- mm. Improving water distribution system on Edwards Avenue, south of May, Southwest Industrial Park - west of Meridian, south of K-42. Total cost - \$17,094.00 (plus idle fund interest - \$706.00, plus temporary note financing - \$0). Financing issued at this time - \$17,800.00. (734916/448-89371/470-586).
- nn. Improving water distribution system to serve Aberdeen Second Addition - north of 21st Street North, east of 119th Street West. Total cost - \$129,257.00 (plus idle fund interest - \$3,540.28, plus temporary note financing - \$0). Financing issued at this time - \$132,797.28. (734904/448-89362/470-574).
- oo. Improving water distribution system to serve Evergreen Addition - north of 21st Street North, west of Maize Road. Total cost - \$117,878.00 (plus idle fund interest - \$3,961.28, plus temporary note financing - \$4,242.72). Financing issued at this time - \$126,082.00. (734723/448-89306/470-550).
- pp. Improving water distribution system to serve Northridge Lakes Patio Homes Addition - north of 21st Street North, east of Tyler Road. Total cost - \$12,852.00 (plus idle fund interest - \$118.50, plus temporary note financing - \$337.50). Financing issued at this time - \$13,308.00. (734904/448-89362/470-574).
- qq. Improving water distribution system to serve Tara Falls Addition - south of Harry, west of 127th Street East. Total cost - \$93,715.00 (plus idle fund interest - \$3,916.82, plus temporary note financing - \$2,748.18). Financing issued at this time - \$100,380.00. (734590/448-89270/470-537).
- rr. Improving water distribution system to serve Evergreen Addition - north of 21st Street North, west of Maize Road. Total cost - \$101,200.00 (plus idle fund interest - \$3,841.94, plus temporary note financing - \$3,828.06). Financing issued at this time - \$108,870.00. (734731/448-89307/470-551).
- ss. Improving water distribution system to serve Forest Lakes Addition - north of 29th Street North, west of Ridge Road. Total cost - \$17,174.00 (plus idle fund interest - \$709.00, plus temporary note financing - \$0). Financing issued at this time - \$17,883.00. (734913/448-88707/470-583).
- tt. Improving water distribution system to serve Arbor Lakes Addition - south of Harry, west of 159th Street East. Total cost - \$77,255.00 (plus idle fund interest - \$1,557.50, plus temporary note financing - \$1,687.50). Financing issued at this time - \$80,500.00. (734632/448-89269/470-541).
- uu. Improving fire hydrant to serve North Vine between First and Second Streets North - north of First Street, west of Seneca. Total cost - \$3,261.00 (plus idle fund interest - \$93.00, plus temporary note financing - \$0). Financing issued at this time - \$3,354.00. (734459/448-89251/470-523).
- vv. Improving water distribution system to serve Brentwood Village Addition - south of Harry, east of Webb Road. Total cost - \$37,144.00 (plus idle fund interest - \$1,988.75, plus temporary note financing - \$1,517.25). Financing issued at this time - \$40,650.00. (734434/448-89113/470-521).
- ww. Improving water distribution system to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West. Total cost - \$60,434.00 (plus idle fund interest - \$843.00, plus temporary note financing - \$1,350.00). Financing issued at this time - \$62,627.00. (734901/448-89229/470-571).

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 19

xx. Improving water distribution system to serve Savanna at Castle Rock Ranch Ninth Addition - north of 13th Street North, east of 143rd Street East. Total cost - \$39,619.00 (plus idle fund interest - \$535.00, plus temporary note financing - \$900.00). Financing issued at this time - \$41,054.00. (734863/448-89303 /470-564).

yy. Improving water distribution system to serve Reece Farms Addition - south of Maple, west of 151st Street West. Total cost - \$87,981.00 (plus idle fund interest - \$1,971.06, plus temporary note financing - \$3,257.94). Financing issued at this time - \$93,210.00. (734509/448-89238/470-528).

zz. Improving water distribution system to serve Auburn Hills Fifth Addition - north of Kellogg, east of 151st Street West. Total cost - \$168,818.00 (plus idle fund interest - \$7,148.42, plus temporary note financing - \$6,026.58). Financing issued at this time - \$181,993.00. (734541/448-89234/470-532).

aaa. Improving water distribution system to serve The Estates at Shadybrook - south of Central, east of 143rd Street East. Total cost - \$22,735.00 (plus idle fund interest - \$865.50, plus temporary note financing - \$562.50). Financing issued at this time - \$24,163.00. (734608/448-89289/470-538).

bbb. Improving water distribution system to serve Tallgrass East Commercial Addition - north of 21st Street North, east of Webb Road. Total cost - \$23,641.00 (plus idle fund interest - \$288.50, plus temporary note financing - \$562.50). Financing issued at this time - \$24,492.00. (734897/448-89333/470-567).

ccc. Improving water distribution system to serve Clark Estates Addition - south of Central, east of 143rd Street East. Total cost - \$36,965.00 (plus idle fund interest - \$642.00, plus temporary note financing - \$900.00). Financing issued at this time - \$38,507.00. (734624/448-89281/470-540).

ddd. Improving water distribution system to serve Pembroke Second Addition - north of 25th Street North, east of Oliver. Total cost - \$77,385.00 (plus idle fund interest - \$3,745.00, plus temporary note financing - \$0). Financing issued at this time - \$81,130.00. (734806/448-88785/470-558).

eee. Improving water distribution system to serve Pembroke Second Addition - north of 25th Street North, east of Oliver. Total cost - \$30,491.00 (plus idle fund interest - \$1,444.00, plus temporary note financing - \$0). Financing issued at this time - \$31,935.00. (734814/448-89029/470-559).

fff. Improving water distribution system to serve Rocky Creek Addition and Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East. Total cost - \$30,342.00 (plus idle fund interest - \$632.00, plus temporary note financing - \$675.00). Financing issued at this time - \$31,649.00. (734855/448-89336 /470-563).

ggg. Improving water distribution system to serve Lamplighter Mobile Home Park Addition and two unplatted tracts - north of MacArthur, east of Hydraulic. Total cost - \$68,318.00 (plus idle fund interest - \$1,527.00, plus temporary note financing - \$1,575.00). Financing issued at this time - \$71,420.00. (734244/448-88126/470-502).

hhh. Improving water distribution system to serve Balthrop Addition - north of Central, east of Greenwich. Total cost - \$52,946.00 (plus idle fund interest - \$939.00, plus temporary note financing - \$1,125.00). Financing issued at this time - \$55,010.00. (734848/448-89334/470-562).

iii. Improving water distribution system to serve Prairie Woods Second Addition - north of Pawnee, west of Maize Road. Total cost - \$48,219.00 (plus idle fund interest - \$711.00, plus temporary note financing - \$1,080.00). Financing issued at this time - \$51,010.00. (734902/448-89257/470-572).

jjj. Improving water distribution system to serve Buckhead Third Addition - north of Central, west of 119th Street West. Total cost - \$56,783.00 (plus idle fund interest - \$628.80, plus temporary note financing - \$3,034.20). Financing issued at this time - \$60,446.00. (734699/448-89279/470-555).

kkk. Improving Lateral 423, Southwest Interceptor Sewer - north of 21st Street North, east of Tyler Road. Total cost - \$48,467.00 (plus idle fund interest - \$895.50, plus temporary note financing - \$967.50). Financing issued at this time - \$50,330.00. (743787/468-82958/480-475)

Motion --carried

Knight moved that the Statements of Cost be approved and filed. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 20

EASEMENTS AND DEDICATIONS

EASEMENTS AND DEDICATIONS:

- a. Private sewer easement dated April 8, 1999, from Rosa Lee O'Brien for Lots 89, 91, 93 and 95 in English's Ninth Addition. (Private Project - Index No. 451001) No cost to City.
- b. Water easement dated June 15, 1999, from Richard J. Peckham, President of Mobile Manor, Inc., for Lot 2, Mobile Manor South Second Addition. (Private Project - Index No. 607853) No cost to City.
- c. Water easement dated June 15, 1999, from Richard J. Peckham, President of Mobile Manor, Inc., for Lot 1, Block 1, Mobile Manor South Addition. (Private Project - Index No. 607853) No cost to City.
- d. Drainage easement dated June 28, 1999, from Ronald R. Roenne at Meridian Avenue Baptist Church, for Lot 27, Block 2, York & Koogle's Addition - Meridian - Maple to Central. (Index No. 706408) No cost to City.
- e. Drainage easement dated June 3, 1999, from Daniel M. Carney for a tract in Section 28, Township 27 South, Range 2 East - Harry - Webb to Greenwich. (Index No. 706771) No cost to City.
- f. Easement and Agreement from Home Depot, U.S.A., Inc., for Lot 1, Block 1, Fantasea Third Addition (K-96 Bike Paths - Index No. 785972) No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 6 to 0. (Lambke absent)

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO Southeast Council 3, 7-8-99
CPO Southwest Council 4, 7-8-99
Sister Cities Advisory Board, 6-4-99
Wichita Airport Authority, 6-7-99

Motion --

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Lambke absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CDBG CONTRACT

CDBG CONTRACT – WICHITA INDOCHINESE CENTER.

Agenda Report No. 99-707.

On March 16, 1999, the City Council accepted the proposal of the Wichita Indochinese Center to operate a Summer Youth Employment program. Community Development Block Grant (CDBG) funds of \$175,000 were allocated by the Council for program operating costs.

The contract with the Wichita Indochinese Center provides funds to pay youth salaries, and administrative costs of the ten agencies participating in the program. The contract term is twelve months beginning July 1, 1999 and ending June 30, 2000. The contract amount is \$175,000.

Motion --

-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR THE LEGACY ADDITION – WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 99-708.

The City Council approved The Legacy Addition plat on June 22, 1999.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 21

The proposed Agreement between the City and Mid-Kansas Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Legacy Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC because MKEC provided preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$35,330.00, and will be paid by special assessments.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Lambke absent)

EASEMENT AGMT. EASEMENT ENCROACHMENT AGREEMENT-- 8101 EAST CENTRAL. (District II)

Agenda Report No. 99-709.

The agreement allows UMB Bank, N.A., to occupy and construct for 8101 E. Central improvements on, over and across the aforesaid public easement described as 5 feet in width, along the east and south property lines of Lot 1, Block 1, Dean-Rupert First Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be along the east property line, from southeast corner of property 115 feet, and along the south property line from southeast corner of property 115 feet for the construction of a concrete fence, curb, gutter, and asphalt paving.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Lambke absent)

DOUGLAS PROJECT SUPPLEMENTAL AGREEMENT FOR DOUGLAS PROJECT. (Districts I and VI)

Agenda Report No. 99-710.

On January 28, 1992, the City Council entered into an Agreement with Mid-Kansas Engineering Consultants, Inc. (MKEC) for the design of Streetscape improvements along Douglas, Main Street, and Topeka. The fee was \$116,845.00.

On April 14, 1992, the City Council approved Supplemental Agreement No. 1 for MKEC to prepare plans for the relocation of five water mains in the project area for a fee of \$11,665.00. On November 9, 1993, the City Council approved Supplemental Agreement No. 2 for MKEC to design the replacement of an existing 6" diameter water main in Broadway, from William to Douglas, for a fee of \$3,000.00. On February 8, 1994, the City Council approved Supplemental Agreement No. 3 for MKEC to design a storm sewer that needed to be reconstructed in the alley south of Douglas, from Market to Broadway, to serve the Streetscape improvements. The fee was \$4,000.00. On July 12, 1994, the City Council approved Supplemental Agreement No. 4 for MKEC to perform the construction staking/layout for a two-way Main and the associated Streetscape improvements for a fee of \$20,400.00. On February 24, 1998, the City Council approved Supplemental Agreement No. 5 for MKEC to revise the plans for the Douglas portion of the project for a fee of \$7,625.00. MKEC's fees through Supplemental Agreement No. 5 total \$163,535.00.

MKEC has been asked to make revisions to the construction bid documents to reduce costs following the initial unsuccessful bidding per recommendations made at the "Constructability Committee" (held with Contractors to explore cost savings measures), and per modifications to the documents requested by the City Water Department. Supplemental Agreement No. 6 with MKEC has been prepared.

Payment to MKEC for this Supplemental Agreement will be made on a lump sum basis of \$29,149.90 from funds available in the project budget. The funding source is General Obligation Bonds.

Motion -- Knight moved that the Supplemental Agreement be approved and the necessary signatures be
-- carried authorized. Motion carried 6 to 0. (Lambke absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 22

STREET PROGRAM

CHANGE ORDERS – 1999 CONTRACT STREET MAINTENANCE PROGRAM.

(Districts II, IV, V and VI)

Agenda Report No. 99-711.

On October 13, 1998, the City Council approved the 1999 Street Repair Program. Attempts to award a Contract within the limits of the heat scarification and micro-surfacing budgets were unsuccessful. As a result, it would be more cost effective to use alternative methods to repair the streets.

Three Change Orders have been prepared to authorize the repair work using slurry seal and overlay projects also approved by the City Council on October 13, 1998. Funding is available within the project budgets.

The total cost of the additional work is \$317,355. The funding source is the Gasoline Tax.

Motion --
-- carried

Knight moved that the Change Orders be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

POLICE DEPT.

PROFESSIONAL SERVICES – POLICE DEPARTMENT.

Agenda Report No. 99-712.

The Latent Print Examiner in the Police Department resigned effective June 11, 1999. This highly technical position requires each examiner attend three specific latent print classes offered by the Federal Bureau of Investigation to become certified. It is the intent of the Police Department to select two employees to train under a certified trainer for a period of time not to exceed nine (9) months. Vickie Abele, a Certified Latent Print Examiner, is available to provide the basic training needed. Vickie Abele will review all work performed by the trainees and verify their work during the time period. Employees will subsequently obtain the necessary training courses through the FBI to become certified. Once the training classes have been completed and the trainees have demonstrated the needed proficiency, the professional services agreement will be terminated.

In 1998 the Latent Print Section received 4,636 latent prints lifted at crime scenes. The Latent Print Examiner compared 3,306 latent prints to 10,899 possible suspects and identified 240 offenders. The Examiner's position is critical to the identification and subsequent prosecution of offenders in the City of Wichita. The Sedgwick County Sheriff's Department and Kansas Bureau of Investigation cannot provide this service to the Police Department. The selection of trainees and the subsequent training will insure that criminal investigations are concluded in a timely manner.

Unused salaries will fund the training position for a period not to exceed nine (9) months. A fee of \$25.00 per hour will be paid to the training consultant during the period beginning July 10, 1999 and ending no later than March 10, 1999. The total expense will not exceed \$36,000.

Motion --
-- carried

Knight moved that the request be approved and the necessary documents and signatures be authorized. Motion carried 6 to 0. (Lambke absent)

ANDOVER WATER

REQUEST TO PROVIDE WATER SERVICE TO PROPERTY OUTSIDE ANDOVER CITY LIMITS.

Agenda Report No. 99-713.

Section 14 of the Water Service Contract governing service to the City of Andover provides that no service shall be provided to customers outside of the corporate limits of Andover without the approval of the City of Wichita.

A letter dated June 30, 1999, from the City of Andover requests permission to serve the campus of a new U.S.D. 235 facility at a site adjacent to Andover's city limits. The property is pending annexation, however, it will not be annexed prior to the completion of the infrastructure for the facility.

The granting of permission to serve water to this facility is in no way inconsistent with the provisions of the Water Service Contract. The property is adjacent to Andover's city limits and annexation by Andover in the immediate future is a certainty.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 23

Motion --
-- carried

Knight moved that the City of Andover be granted permission to serve the campus of the new U.S.D. 235 facility pending annexation of the site by the City of Andover. Motion carried 6 to 0. (Lambke absent)

PROPERTY ACQ.

ACQUISITION OF LAND, EASEMENTS AND STREET DEDICATIONS FOR A PUMP STATION NEAR 21ST STREET NORTH AND WAWONA. (District II)

Agenda Report No. 99-715.

Acquisition of Land, Easements and Street Dedications for a Pump Station Near 21st Street North and Wawona (District II)

On October 20, 1998, the City Council approved the construction of a force main sewer pump station and extension of gravity sewer lines to serve the northeast part of Wichita. This project requires the acquisition of a tract of land to construct a sewer pump station, utility easements to and from the station, temporary construction easements and dedication of street right-of-way to access the facility. The location for the pump station and temporary construction easements are owned by Peter Ochs, William Nath, and Robert Smith. The access to the pump station site and utility easements are owned by the Lanzrath Trust.

The sewer pump station requires approximately 30,000 square feet. The facility will be constructed to blend into the new development proposed for this area. A 50 foot temporary construction easement is required around the site. Access to the pump station will be by the extension of Wawona Street through the Lanzrath property. The sewer easement will also be across the Lanzrath property. In exchange for the site, easements and dedications, the City will pave the proposed extension of Wawona from the end of the existing pavement to the south end of the pump station site.

A budget of \$2,000 is requested for closing costs on the site, recording costs for the street dedication and easements and miscellaneous other costs. There have been no prior expenditures for land, right-of-way and easements.

Motion --
-- carried

Knight moved that the budget and the documents be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PROPERTY ACQ.

DONATION OF PROPERTY FOR AUBURN HILLS GOLF COURSE. (District V)

Agenda Report No. 99-714.

The development of Auburn Hills Golf Course includes the development of a clubhouse, driving range, maintenance facilities, parking, etc. Part of the land needed for these improvements is owned by Jay Russell, the developer of the surrounding area. During the development of plans for the project, Mr. Russell agreed to donate land as needed for these improvements.

The final layout for the golf course has been completed and the improvement areas have been delineated. Mr. Russell has provided a deed for the area needed to unify the City ownership. The transaction gives the City ownership of the land needed to develop the clubhouse facilities. Once the transfer is completed, the plat of the development can be submitted for approval.

There are no costs associated with this transaction except, possibly, incidental recording fees (less than \$25.00) which will be paid from operating funds.

Motion -- carried

Knight moved that the donation be accepted; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PARK ADDITION

DESIGNATION OF REDEVELOPER FOR LOT 2, BLOCK 3, BRIDGPORT INDUSTRIAL PARK I ADDITION. (District IV)

Agenda Report No. 99-716.

The City of Wichita, in the late 1970's determined that there was insufficient heavy industrial land available for development within the Wichita city limits. Responding to this need, the City purchased property in the North

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 24

Industrial Corridor through the Urban Renewal Act and redeveloped the area with new utility lines and streets into the Bridgeport Industrial Park Additions I, II and II.

Whitewater is currently located in Newton, Kansas and wants to expand its presence in Wichita. They have offered to purchase Lot 2, Block 3 of Bridgeport Industrial Park 1 and construct a metal building to house their chemical/water fire sprinkler sales, installation and service business. This new facility will provide multi-use space for office, showroom, fabrication and warehouse uses. The company will continue to operate their facility in Newton as well as the new Wichita facility.

The lot contains approximately 63,388 square feet (1.46 acres) of which the east 60 feet (approximately 16,920 square feet) is dedicated as a utility/drainage easement. The north 20 feet (approximately 2,040 square feet) is dedicated for a utility easement. These easements reduce the usable size to approximately 45, 275 square feet.

Whitewater has offered \$57,500.00 (\$.91 per gross square foot, \$1.27 per usable square foot) plus remaining specials totaling approximately \$.18 per square foot (\$11,410). Recent sales in Bridgeport I have ranged from \$.61-to-\$.79 per gross square foot and from \$.74-to-\$1.10 per usable square foot. There is a broker involved in the transaction and a six-percent commission will be paid out of the proceeds of the sale of the property. Whitewater is requesting the City indemnify them against existing environmental problems. They are not requesting any tax abatements or exemptions in conjunction with this sale.

Whitewater proposes to construct a steel building for its chemical/water fire sprinkler company. The new facility will provide office and showroom as well as fabrication and warehouse areas. They do not intend to store any equipment outside unless there is no room on the construction site to store job materials temporarily. Whitewater employs 35 full time and two part time people and with the amount of expansion and new construction, anticipates hiring additional employees to install, maintain, and repair fire sprinkler equipment. The use is compatible with other uses in the area.

The proceeds, net of closing costs, commissions and costs related to the parcel will be returned to the City's CDBG program in accordance with URA requirements.

Motion --

Knight moved that Whitewater Fire Sprinkler Company (Whitewater) be approved as the redeveloper for the Bridgeport Industrial Park I Addition; the Contract be approved; and the necessary signatures be authorized.

-- carried

Motion carried 6 to 0. (Lambke absent)

(Addendum)

TROYEN PAINTING

DEACCESSION OF CONSTANT TROYEN PAINTING, "OXEN GOING TO PLOW." (District VI)

Agenda Report No. 99-724.

A donor gave the Wichita Art Museum a painting attributed to the French artist Constant Troyon (1810-1865) in 1971. There were no conditions on the gift.

On July 6, 1999, the Wichita Art Museum Board of Trustees executive committee approved deaccession of the Constant Troyan painting "Oxen Going to Plow." The work of art will be auctioned at Sotheby's Auction House in New York.

Net proceeds of the sale will be used to purchase additional art for the Wichita Art Museum.

Motion -- carried

Knight moved that the deaccession be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 99-717.

On July 7, 1999 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 25

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

	Address	District	Address	District
a.	1563 N. Belmont	I	b. 1029 W. 51st North	VI
c.	4302-04 E. Boston	III	d. 2725 S. Vassar	III
e.	3321 E. Roseberry	III	f. 3357 E. Roseberry	III
g.	3808 E. Roseberry	III		

Motion --
-- carried

Knight moved that the Resolutions setting the Public Hearing on September 14, 1999, at 11:00 a.m., be adopted.
Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. R-99-281

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 7, Block R, University Park Addition to Wichita, Sedgwick County, Kansas, known as 1563 North Belmont in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-282

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 14, Avenue C, Urbandale, Sedgwick County, Kansas, known as 1029 West 51st Street North in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-283

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 70, Block C, Hilltop Manor Subdivision, a replat of Hilltop Manor and Hilltop Second Addition to Wichita, Sedgwick County, Kansas, known as 4302-04 East Boston in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-284

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 37, Block J, in Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian in Sedgwick County, Kansas, known as 2725 South Vassar, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-285

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 21, Block J, Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 East of the 6th

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 26

Principal Meridian, Sedgwick County, Kansas, known as 3321 East Roseberry in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-286

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 22, Block J, in Planeview Subdivision No. 1, in Section 2, Township 28 South, Range 1 East, of the 6th Principal Meridian Sedgwick County, Kansas, known as 3357 East Roseberry in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. (Lambke absent)

RESOLUTION NO. R-99-287

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as Lot 46, Block E, Planeview Subdivision No. 1, Sedgwick County, Kansas, known as 3808 East Roseberry, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight (Lambke absent)

BOMB/EXPLOSIVES

RESOLUTION - RECIPROCAL BOMB AND EXPLOSIVE INVESTIGATION AGREEMENT - LAW DEPARTMENT.

Agenda Report No. 99-718.

The Resolution authorizes the Chief of Police to sign an Interlocal Reciprocal Bomb and Explosive Investigation Agreement with the FBI and cities of Overland Park, Olathe, Leavenworth, and Kansas City, Kansas. The agreement covers situations when a bomb or explosives threat is received or an actual bomb or explosive device is discovered and the investigative personnel of only one of the parties to the agreement would be inadequate to completely and promptly investigate the threat or the device.

Overall management of the agreement will be shared by the special agent in charge (SAC) of the Kansas City office of the FBI and the chiefs of police of Overland Park, Kansas City, Leavenworth, Wichita, and the fire chief of Olathe, while the policy and direction for implementation of the agreement will be the joint responsibility of all participating parties under the coordination of the SAC of the FBI

No financial obligations by the parties are contemplated by the agreement and no compensation, money or otherwise, will be payable by any party to any other party for furnishing personnel and/or equipment as required by the Agreement.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

RESOLUTION NO. R-99-289

A Resolution authorizing the Chief of Police to enter into an interlocal reciprocal bomb and explosive investigation agreement with the Federal Bureau of Investigation and the cities of Overland Park, Olathe, Leavenworth, and Kansas City, Kansas, and with any and all jurisdictions entering into this agreement within the State of Kansas, and upon approval of such agreement by the Attorney General in accordance with K.S.A. 12-2901 et seq, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 27

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 13, 1999)

- a. Noise Ordinance.

ORDINANCE NO. 44-294

An Ordinance amending Chapter 7.41 of the Code of the City of Wichita, Kansas, pertaining to noise and repealing the originals of Chapter 7.41 of the Code of the City of Wichita, Kansas, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

- b. Public Hearing and Issuance of Industrial Revenue Bonds – Lee Aerospace, Inc. (District II)

ORDINANCE. NO. 44-287

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds in the aggregate principal amount of \$1,200,000 for the purpose of providing funds to purchase and install certain machinery and equipment in a manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a lease agreement by and between Lee Aerospace, Inc., and the City; prescribing the form and authorizing execution of an easement and agreement by and between Lee Aerospace, Inc., and the City; prescribing the form and authorizing the execution of a guarantee agreement by and between Lee Aerospace, Inc., the trustee, and the purchaser of the bonds; authorizing the execution of a bond placement agreement by and between the City, Lee Aerospace, Inc., and Intrust Bank N.A., as purchaser of the bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-288

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable Industrial Revenue Bonds in the aggregate principal amount of \$3,000,000 for the purpose of providing funds to acquire certain real property and to construct and equip certain improvements consisting of a new manufacturing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the Bonds, prescribing the form and authorizing the execution of a lease by and between James E. Lee, an individual, and the City; approving the form of a guaranty Agreement by and between Lee, Aerospace, Inc., the Trustee and the Purchaser of the Bonds; approving the form of an individual guaranty Agreement by and between James E. Lee and Summer C. Lee, as individual guarantors, and the trustee and purchaser of the Bonds; authorizing the execution of a Bond placement agreement by and between the City, James E. Lee, Lee Aerospace, Inc. and Intrust Bank, N.A. as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

- c. Neighborhood Preservation (Community Nuisance Code).

ORDINANCE NO. 44-295

An Ordinance amending Sections 7.40.040, and 7.40.60 of the Code of the City of Wichita, Kansas, pertaining to nuisances and creating Section 7.40.115, pertaining to storage of dilapidated or deteriorated interior furniture, and repealing the originals of Sections 7.40.040 and 7.40.060 of the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight.

- d. Z-3297 - north of 55th Street South, on the east side of Broadway. (District IV)

ORDINANCE NO. 44-296

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. Z-3297

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 28

- e. Z-3321 - north of Central and east of Edgemoor. (District II)

ORDINANCE NO. 44-297

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. Z-3321

- f. Z-3323 - east of Broadway and south of 37th Street South. (District III)

ORDINANCE NO. 44-298

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. Z-3323

- g. A 99-9 - north and south of Harry, between Webb Road and 127th Street North.

ORDINANCE NO. 44-299

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. A 99-9

- h. A 99-25 - northwest corner of MacArthur Road and K-15 Highway. (District III)

ORDINANCE NO. 44-300

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. A 99-25

- i. A 99-26 - ½ Mile north of Kellogg (U.S. HWY 54) on the east side of 119th Street West. (District V)

ORDINANCE NO. 44-301

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Cole, Gale, Martz, Pisciotte, Rogers, Knight. A 99-26

98-16 OATVILLE

ANNEXATION OF 98-16 – OATVILLE. (Districts IV and V)

Agenda Report No. 99-719.

On October 23, 1998, Ordinance No. 43-980 was published completing annexation A 198-16. The annexation involved over 1,000 properties in the area generally bounded by West Street on the east, Tyler on the west, K-42 on the north, and MacArthur on the south.

An error in the Ordinance has caused some question as to the annexation. In order to address this and to resolve any further question as to the annexation of the properties and their inclusion in the city limits of the City of Wichita, an amending ordinance has been prepared which corrects the error. Adoption and publication of the ordinance will resolve any further uncertainty about the annexation.

Ad valorem taxes for the year 1999 will not include the City's mill levy for these annexed properties.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 29

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance amending Section 1 of Ordinance No. 43-980 pertaining to the annexation of certain blocks, parcels, pieces and tracts of land into the limits and boundaries of the City of Wichita, Kansas, and repealing the original of said Section, introduced and under the rules laid over.

WATER/SEWER BONDS WATER AND SEWER SYSTEM UTILITY REVENUE BONDS, SERIES 1999.

Agenda Report No. 99-720.

On June 8, 1999, the City Council awarded the sale of the Water and Sewer Revenue Bonds, Series 1999 after conducting a competitive sale as required by the City's Debt Policy. As a condition of the sale of the bonds, the City insured the payment of principal and interest with Financial Guaranty Insurance Company.

After the sale of the Bonds, an Ordinance stating the amount of the policy and the reserve policy was published. The Ordinance must be amended to reflect the revised amount of the reserve surety premium.

The surety premium was used when sizing the bond issue and, therefore, has no financial impact on the bonds or debt service outstanding.

Motion --carried

Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

ORDINANCE

An Ordinance of the City of Wichita amending Ordinance No. 44-257 of the City which authorized the issuance of \$48,950,000 aggregate principal amount of its Water and Sewer Utility Revenue Bonds, Series 1999, to provide for the payment in full of the costs of obtaining the alternative credit facility with respect to such bonds, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 36 and 37 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --
-- carried

Knight moved that Planning Agenda Items 36 and 37 be approved as consensus Items.
Motion carried 6 to 0. (Lambke absent)

(Item No. 35)
CU-524

**CU-524 - CONDITIONAL USE TO ALLOW VEHICLE SALES, OUTDOOR ON PROPERTY
GENERALLY LOCATED ON THE NORTHWEST CORNER OF MURDOCK AND WEST STREET.**
(District VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-721.

MAPC Recommendation: Approve, subject to conditions (7-5).
Staff Recommendation: Deny.
CPO Recommendation: Deny (5-0).

The applicant is requesting a Conditional Use to allow vehicle sales, outdoors, on a 0.462 acre property located on the northwest corner of Murdock and West Street. The tract is zoned "LC" Limited Commercial. The sale of vehicle and equipment with outside display/storage requires a Conditional Use within the "LC" Limited Commercial Zoning District.

The application area was the location of a former Sonic drive-in restaurant. The site plan proposes to convert the old restaurant building into the general sales office facility and to use the drive-in car stalls for display space, with the cars backed into the stalls. Additional display area is shown on along West Street and along on the north

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 30

property line. The applicant intends to specialize in classic vehicles particularly from the 60s to compliment the "drive-in" appearance of the lot, but intends to offer later model and "up-scale" vehicles also.

The site plan indicates installation of a wrought iron fence three feet in height along West and Murdock. There is an existing wood fence along the north property line. This fence is a little taller than three feet and separates the application area from the adjacent commercial use. There is an existing wood fence that is labeled as being six feet in height, but is closer to five feet six inches, and is located five feet beyond the boundaries of the property, according to the site plan. This fence would not constitute a screening fence for the property since it is not under control of the applicant and, from field inspection, it appears to be less than the six feet required for screening fence between non-residential and residential uses. The landscaped area extending eastward from the building to West Street is shown removed and replaced with outdoor storage for four additional vehicles. A revised site plan would be needed in order to retain adequate square footage for required landscaped street yards along West Street (arterial), which would possibly reduce the amount of display space for vehicles.

The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area. The site plan shows approximately 18,000 square feet for vehicle sales, display and storage, which would require a total of three spaces. The building (1,020 square feet) would require three additional parking spaces, for a total of six parking spaces. The site plan shows only four spaces, however a display space could be re-designated for parking purposes on a revised site plan.

The site plan shows one existing drive on West Street and two existing drives on Murdock. The drive on the eastern end of Murdock is only ten feet from the right-of-way line of West Street. In addition, it does not provide customers with access to the customer parking areas on the north side of the building since the area along West is blocked by display space and the sign. The closure of this drive would remove a point of access that is closer to the West Street intersection than is desired, and still maintain a flow of customer circulation from West Street to the customer parking spaces and then existing onto the western drive onto Murdock.

The application area is located in the same block as the previous zoning request for outdoor vehicle sales (CU-521). Situated in this block of West Street between Murdock and 9th Street is a mix of small-scale commercial uses. The mix includes freestanding structures, a small commercial center, and several houses used for commercial purposes, as well as the two houses still used as residences. The range of commercial uses include: restaurants, tavern, alterations shops, insurance offices, personal care services, service station, and auto parts and repair, etc., with most being neighborhood-serving retail uses. There is no other outdoor storage in this block, or in any portion of West Street north of Central. An apartment complex, Westview Apartments, is located across the street to the northeast. The commercial uses south of Murdock include a butcher shop, and more restaurants and service-oriented businesses. Single family residential properties are located west of this site facing onto Colorado Street and adjoining the rear property line. This is a well-maintained residential block of single family residences. There is a small apartment complex to on the southeast corner of Colorado and Murdock, and a church on the southwest corner.

The general intensity of commercial uses along West Street is highest near Kellogg and tapers off to the north. The only outdoor vehicle sales businesses facing onto West Street between Kellogg and 21st Street are K & N Kawasaki and Carco between 2nd and 3rd, and AdvantEDGE on the northeast corner of Douglas. All three are located between Douglas and 3rd, more than one-half mile to the south of the application area. The intersection of Central and West street is a good ending point for these outdoor display uses since the intersection is bordered on the southeast and southwest corner by shopping centers that function as major neighborhood retail centers. The segment between Central and 9th is a mix of small scale commercial and occasional residential, but with no outdoor storage. The segment north of 9th is residential/office except at commercial corners..

At the CPO(6) meeting June 17, 1999, the CPO voted 5-0 to recommend disapproval of the request. The agent for the applicant, David Yearout, stated that the lot would specialize in "classic" 60s era cars. Five citizens were present to speak, four of which expressed opposition. Nile Dillmore, on behalf of Historic Midtown Citizens Association, read a prepared statement in opposition. Another citizen spoke of the "chipping away" of the neighborhoods by Conditional Uses granted for car lots and the proliferation of lots once one has been approved in a given area. During discussion among CPO members, George Cannady noted that there were no citizens present to speak in opposition to CU-521 when the CPO 6 considered the request. Because of the extra concern from citizens present at this meeting, and the difficulties CU-521 is having receiving approval, members were in agreement with MAPD staff that this was an inappropriate location for a car lot.

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 31

At the MAPC hearing held June 24, 1999, the applicant's agent discussed the request and stated the applicant was in agreement with conditions recommended by Staff should the MAPC recommend approval. Additionally, the applicant is willing to add conditions to limit hours of operation and lighting of the property. Several citizens were present to speak in opposition, although no owners were from the immediate vicinity of the proposed car lot. After discussion, the MAPC voted to approve the request, subject to conditions found in the staff report and additional conditions offered by the applicant. Petitions protesting the Conditional Use have been received, requiring that the case be forwarded to City Council for final action.

Council Member Cole Council Member Cole said she hoped the Council would deny the request. there is a proliferation of requests in neighborhoods and they are not being successful.

Motion -- Cole moved that the request be denied.

Mayor Knight left the Bench.

-- carried Motion carried 5 to 0. (Lambke, Knight; absent)

(Mayor Knight present)

V-2165 - SOUTH OF US-54 AND EAST OF 143RD STREET WEST.

Agenda Report No. 99-722.

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicant is requesting to vacate a utility easement which runs across three lots, to allow for the construction of a single-family home. The applicant has stated she and her husband own these three lots and will submit a covenant to covenant two of the lots together so they will not be sold separately.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating a substitute utility easement on Lot 10, and providing a covenant which ties Lots 8 and 9 together. The applicant has filed the required utility easement and the covenant. No written protests have been filed.

This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Motion -- carried Knight moved that the vacation be approved. Motion carried 6 to 0. (Lambke absent)

S/D 98-95 - PLAT OF ELK RUN SECOND ADDITION - SOUTH OF CENTRAL, WEST OF 183RD STREET WEST.

Agenda Report No. 99-723.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned RR, Rural Residential and is located in the County within three miles of Wichita's City limits. The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- Knight moved that the plat be approved and the necessary signatures be authorized; the document(s) be received and filed. Motion carried 6 to 0. (Lambke absent)
-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 169

JULY 20, 1999

PAGE 32

EXECUTIVE SESSION

Motion --

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, personnel matters of non-elected personnel, preliminary discussions relating to the acquisition of real property for public purposes, and the regular meeting be resumed at 12:30 p.m. in the City Council Chambers. Motion carried 6 to 0. (Lambke absent)

-- carried

RECESS

The City Council recessed at 11:43 a.m. and returned at 12:35 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 12:35 p.m.

Pat Burnett
City Clerk